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09/745,719	12/20/2000	Donald Scott McGregor	018684-000700US	3538

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EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 06/05/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,719

Applicant(s)

MCGREGOR ET AL.

Examiner

Tilahun B Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 March 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.

4a) Of the above claim(s) 1-10 and 32-44 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 11-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5

4) Interview Summary (PTO-413) Paper No(s). _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: drawing not reviewed by draft's person.

DETAILED ACTION

Election/Restrictions

1. Claims 1-10 and 32-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected claims, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 11-15,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (us 5,361,297) in view of Hattori et al (us 5,109,401).

As to claims 11, Ortiz et al disclose a mobile phone system comprising a system providing host processor unit and a plurality of system users each having at least one mobile phone unit (the autonomous pay telephone arrangement is that it interfaces directly with the audio circuitry of a mobile telephone , such as , for example a cellular telephone , col.5 lines 8-11 and fig.6) wherein:

Ortiz et al disclose the host processor unit has means for selectively establishing a communication link with each mobile phone unit (col.13 lines 1-11 and col.13 lines 13-19).

Ortiz et al do not specifically disclose each phone unit includes a processor, memory associated with the processor, program means including a complex billing algorithm and rate data for internally calculating call charges as calls are made and storing call charges as record data in the memory, and communication means for communicating the record data for call charges to the host processor. However, Hattori et al disclose phone unit (fig.1) includes a processor (338 in fig.2), memory associated with the processor (334-335), program means including a complex billing algorithm and rate data for internally calculating call charges as calls are made and storing call charges as record data in the memory, and communication means for communicating

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the record data for call charges to the host processor (abstract and col.3 lines 21-30). It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Ortiz et al in calculating call charges and communicating network , call allowance to replenished whenever, the charge is more than the allowance set.

As to claims 13,14,18, Ortiz et al disclose the program means includes means for generating a debit account in the phone unit and means for decrementing the debit account in real time (col.13 lines 6-11 and col. 13 lines 44-50).

As to claim 13, Ortiz et al disclose the phone unit includes a visual display and program means to generates a visual display (fig.6).

As to claim 15, Ortiz et al disclose the phone unit has RF transceiver (19) and the communication link is established over the airways by RF signals (fig.6).

6. Claims 16-17,19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anritsu (JP 3-450 ,031) in view of Ortiz et al

As per claims 19-29, Anritsu' 031 discloses a host processor that maintains accounts(a designated agency, which will update the call charge unit information , see page.7 line 22) for use of mobile phone units(reactivated by paying call charges at a designed agency, see col.7 lines 21-22), a mobile phone unit with internal accounting that internally calculates call charges(a completion detection means to detect the fact that calls, which are initiated by said portable telephone handset, are carried out for the amount, based on billing signals, which are received by said radio wave transmission-reception means during a call initiated by said portable telephone handset, see page. 3 lines 21-25) and decrements call charges from a debit

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account,(each time a billing signal is received, the value of the call charge units, which is stored in call charge unit information storage means 29, is deducted, see page 7 lines 6-7).

Anritsu' 031 discloses communication means (20 radio wave transmission-reception section) in the portable telephone handset 10 for wireless communication in the phone network(exchange machine) see page 7 line 30 and page 8 line 1.

Anritsu discloses internal processing means in the mobile phone unit including a processor , clock and memory for processing calls and call charges(call charge unit management section 28 manages the call charge units, which are the value-holding information. Completion detection means 30 comprises deduction means 31 and call charge unit detection means 32, see page 5 lines 17-30 and page 8 line 17).

Anritsu inherently discloses program retained in the memory of the mobile phone unit. And Anritsu discloses rate data and a complex billing algorithm with a multiple factor accounting protocol for classifying calls (a billing rate table in which rates are based on the regions and a clock can be prepared in a portable telephone handset and can perform the same billing registration and calculation processes when billing signals were received , see page 8 lines 17-19)

Anritsu fails to disclose the basic categories of local calls, long distance calls, international calls and roaming calls. However, Ortiz et al disclose the hand-set 11 has software controlled , full feature mobile phone add on which a metering device for worldwide use which shows , in local currency, the amount of money due to the owner or operator of the autonomous pay telephone arrangement for call made from the mobile unit 13 attached to the arrangement 11. It is designed to meter calls which may

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be local, long-distance , international , incoming or outgoing; see col.15 lines 4-17 and local and long distance rate tables are downloaded from the external computer via port 25 so that the arrangement 11 will accurately calculate charges according the local rate table configuration . Also included in the billing scheme is a roaming fee which can be alternate to conform to the area's roaming requirements; see col. 14 lines 59-65.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Anritsu, in utilizing different categories to charge rate, as been disclosed by Ortiz, in order to configure the exact cost of the particular call.

Anritsu discloses the portable telephone " the mobile phone unit" includes phone unit identification means for verification by the system provider using the host processor that a phone user account amount addable to the debit account of the identified phone unit has been prepaid(this new system does not eliminate the complex billing registration and calculation processes at the exchange machine "system provider" for each mobile handset identification number (ID code)see page 3 lines 11-13.

Anritsu discloses locking means for preventing calls from the phone unit when the amount in the debit account is exhausted (a halting means to receive a detection signal from completion detection means , and to halt at least the call initiation function of said portable telephone handset; see col.3 lines 226-27. Further see page 7 lines 8-14.

As per claims 16-17. Anritsu fails to disclose the mobile phone unit has paging means for establishing a communication session with the host processor when the phone unit is deactivated. However, any handset has the capability of sending a control

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signal to home base station . Therefore, it would have been obvious to one of ordinary skill in the art to page a base using any apparatus in the wireless industry, in order to control (set up)connection with the portable unit before voice communication initiated.

As per claims 30-31, Anritsu disclose a debit telephone system, see page 2 lines 3-5, comprising:

Anritsu discloses a plurality of cordless hand-held mobile telephone units, wherein each of said hand-held mobile telephone unit includes a processor , memory(40) and internal accounting software (a portable telephone handset is allowed for user or sold in exchange for a payment including the payment for the certain value-holding information, the call charge processes (billing registration(record) and calculation) become unnecessary at an exchange station, see page 8 lines 26-28). From this disclosure it is clear that the portable telephone has processing , storing and accounting operation, are performed by the portable telephone. Anritsu fails to disclose accounting software. However, Ortiz et al disclose the CPU control board 9 is provided with a computer access port 25 for connecting the CPU control board 9 to a plug gable outboard PC computer which permits, through use of various passwords, programming of all programmable parameters such as bill rate and tariffs as well as appropriate access to charge and accounting information; see col.13 lines 38-44. Therefore, it would have been obvious to one of ordinary skill in the art to modify Anritsu, in teaching programming of all programmable parameters "software", as per the disclosure of Ortiz, in order to convert the data to valuable (useful) information.

Anritsu discloses a debit account with a representation of prepaid funds (call

charge unit management section 28, see page 8 lines 4-5), a plurality of charge rates and a billing algorithm which classifies each telephone call into one of a plurality of billing categories (a billing rate table in which rates are based on the regions and a clock can be prepaid; see page 8 lines 17-18), selects a charge rate corresponding to that billing category, calculates an appropriate charge for that telephone call in real time by using said selected charge rate and subtracts this appropriate charge from said debit account(a portable telephone handset can perform the same billing registration(record) and calculation processes as those when billing signals were received, see page 8 lines 18-19).

Specification

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Conclusion

8. *Any response to this action should be mailed to:*

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

*(703) 746-6042 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,
VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750.

TBG

May 30, 2002

Tilahun Gesesse
Patent Examiner
Art Unit 2685

Edward F. Urban
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